IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 20252 of 2004
Date of Decision: Nov. 20,2006

Surjit Singh ..... Petitioner

Versus

Joint Development Commissioner, Punjab and others ..... Respondents

Coram: Hon'ble Mr. Justice Ashutosh Mohunta
Hon'ble Mrs. Justice Nirmal Yadav

Present: Ms. Jyoti Sareen, Advocate
for the petitioner.

Mr. C.M.Munjal, Sr. Addl. A.G. Punjab.

Mr. N.P.S. Mann, Advocate
for respondent No.3.

...

ASHUTOSH MOHUNTA, J. (Oral)

The petitioner has prayed for quashing of the order dated 15.12.2004 (Annexure P-7) passed by the Joint Development Commissioner (IRD) (exercising the powers of the Commissioner).

Learned counsel contends that the appeal was filed before the Commissioner against the order passed by the District Development & Panchayat Officer-cum-Collector, Hoshiarpur, after a delay of 10 months. It is submitted by the learned counsel that an application for condonation was also filed in which it has been categorically been stated that as the order passed by the District Development & Panchayat Officer was not conveyed to the petitioner in time, hence the delay occurred. It is further submitted that the father of the petitioner was also seriously ill, therefore, the appeal could not be filed in time.

The averments made by the petitioner had been strongly controverted by the counsel for the respondents who had stated that the order was communicated to the petitioner and that the appeal has rightly

been dismissed on the ground of delay and laches.

Keeping in view the fact that the petitioner came to know of the decision passed by respondent No.2 belatedly and also the fact that the petitioner remained busy in attending to his father who was stated to be ill, therefore, cogent reasons have been given by the petitioner making out a case for condonation of delay.

We, therefore, condone the delay and set aside the order Annexure P-7. The case is remanded back to the Joint Development Commissioner (IRD) to decide it on merits. Parties to appear before respondent No.1 on 20.12.2006. The appeal be decided by respondent No.1 within a period of three months from the first date of appearance of parties before him.

Disposed of accordingly.

(ASHUTOSH MOHUNTA)
JUDGE

20.11.2006 **(NIRMAL YADAV)**
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